

Ryan,

Thanks for providing the Baykeeper statements. The Baykeeper is an important stakeholder in this project. We've been working with them as part of the Community Advisory Group and look forward to an objective dialogue on the merits of remedial options for the Lower Passaic.

In this case, some of the information they have provided to you is factually incorrect. We are providing corrections, along with our responses:

*Baykeeper statement:*

*The Cooperating Party Group (CPG) is comprised of the corporations legally responsible for the pollution in a 17 mile stretch of the Passaic River.*

Corrected:

The Cooperating Parties Group (CPG) is comprised of corporations who are among hundreds of entities considered "potentially responsible parties" for contamination in the lower 17 mile stretch of the Passaic River. The CPG does not include Tierra, the entity responsible for the dioxin contamination from Lister Avenue in Newark.

*Baykeeper statement:*

*The CPG are also the group that sued the municipalities in the Passaic River sewer-shed, saying that sewers contributed to the pollution in the river because the sewers transported the pollution into the river.*

Corrected:

This is factually incorrect. Tierra Solutions filed the lawsuits. Tierra, the organization that conducted a removal action at the Diamond Alkali Superfund site on the riverbank in Newark, is no longer a member of the CPG.

*Baykeeper statement:*

*The EPA spent years developing a comprehensive, peer-reviewed Focused Feasibility Study (FFS), which is a plan for cleaning up the Passaic River. The plan calls for immediate clean up of the most contaminated eight mile stretch of the river, for which the CPG—as the responsible parties—will pay. The remaining nine miles will be cleaned later.*

Corrected:

The EPA's plan is not comprehensive (it focuses on only a portion of the study area) or immediate (the FFS would likely take 20 years or more to implement and not begin until around 2018). And, the plan was written before the Remedial Investigation of the river was completed, preventing a full and unbiased evaluation of the RI results. The EPA is in the process of considering comments they received from the peer review and deciding how to incorporate those comments into their plans.

*Baykeeper statement*

*The CPG is presenting a proposal to towns throughout Northern New Jersey on what they purport to be an alternative clean-up plan. It will come as no surprise that this plan is*

*considerably cheaper and relies heavily on an unscientific claim that the river will clean much of the dioxin itself. (If this were the case, why would the river not have cleaned itself after 40 years of dioxin contamination?)*

Corrected:

This is a misrepresentation of our proposal. Clearly natural recovery is occurring, but not nearly fast enough to result in acceptable improvements in the River. That's why the Sustainable Remedy includes in-river work that would remove sediments that will reduce the concentration of dioxin by about 80 percent in about 5 years.

The fact the Sustainable Remedy is expected to be more cost effective than the bank to bank remedy is one of its benefits. But the main benefit is that it results in a cleaner river, more quickly and with less community disruption.

*Baykeeper Statement*

*The CPG's premise is that the several portions of the river should be cleaned at once—using their scientifically bogus remediation methods—and not start until 2015.*

Corrected:

The Sustainable Remedy is the same type of remedy as the EPA is proposing – dredging the top two feet and capping. The difference is that we have identified the areas of highest contamination throughout the entire river for quick removal.

We are very confident in the science behind the Sustainable Remedy and hope to engage in an objective and reasoned dialogue with all the stakeholders involved in the Lower Passaic.

*Baykeeper Statement*

*Basically these electeds are endorsing known-polluters in exchange for money.*

Corrected:

This statement is false, irresponsible and counter to the goal of objective discussion. Funding is given for projects that are tied to the River and will help improve the watershed. There is an established criteria for selecting projects. The purpose of these projects is to demonstrate what the CPG is contemplating for the out-of-river component of the Sustainable Remedy. There is a national debate about how best to address making rivers better. The CPG is proposing to link the benefits of an adaptive remedy to address the contamination in the river with early ecological restoration in the watershed. This will result in a better river for the communities that are impacted.